

**BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA**

**REGULAR MEETING**

**OCTOBER 18, 2005**

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**COUNTY COMMISSIONERS**

**Jennifer Hill, Chairman**

**Catherine C. Hanson, Vice Chairman**

**Robert A. Pool, District #2**

**Debbie Stivender, District #3**

**Welton G. Cadwell, District #5**

**Cindy Hall, County Manager**

**Sanford A. Minkoff, County Attorney**

**James C. Watkins, Clerk to the Board**

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**DISCLAIMER**

**This booklet has been prepared for the convenience of the Board of County Commissioners in discussing matters before them. Every effort has been made to include all items to be discussed at this Board of County Commissioners meeting, however, Commissioners may add items, which are not a part of this Agenda, or items may be removed from consideration. While it has been the goal to present error-free information, we do not represent that documentation is without errors or omissions.**

**As a part of any public and formal meeting, the Board of County Commissioners may, from time to time, schedule a workshop during which they will receive information from staff, have discussions with staff and among themselves, and then proceed to give staff direction on the subject matter being discussed unless otherwise shown on the Agenda item. These discussions and workshops do not take the place of the formal public hearing process during which all public comment and formal action is taken.**

**The Board and staff welcome written comments prior to workshops and other meetings. If you have comments or questions regarding the subject matter of any Board action or workshop, please deliver your written comments to appropriate County staff or mail to the Board of County Commissioners, Post Office Box 7800, Tavares, FL 32778.**

**9:00 a.m. Prior to BCC Meeting – Joint Public Meeting with School Board and Cities regarding Sales Surtax Oversight Advisory Committee Report**

**ITEMIZED AGENDA**

**October 18, 2005**

9:00 A.M. Invocation

Pledge of Allegiance

**I. AGENDA UPDATE**

Discussion regarding proposed revisions to today's Agenda.

**II. MINUTE APPROVAL**

Tab 1 Approval of the following Minutes:

August 23, 2005	Regular Meeting
September 6, 2005	Regular Meeting
September 20, 2005	Regular Meeting

**III. CLERK OF COURT'S CONSENT AGENDA**

Tab 2 Approval of Clerk of Courts' Consent Agenda (Items 1 through 7):

1. Contractor Bonds – New, Cancellations, Rescind Cancellation and Riders – Approval.
2. Southwest Florida Water Management District – Re: Public Input Meetings for Update to Schedule for Establishment of Minimum Flows and Levels (MFLs). Participation in the process to update its Priority List and Schedule for the establishment of MFLs is invited at the following public meetings at 6:00 p.m.: Monday, October 3, 2005, at the District's Bartow Office (170 Century Boulevard); Wednesday, October 5, 2005, at the District's Tampa Office (7601 Highway 301 North); Monday, October 10, 2005, at the

Brooksville Headquarters (2379 Broad Street); Wednesday, October 12, 2005, at the District's Sarasota Office (6750 Fruitville Road). The Draft List for 2006 will be available on the District website ([watermatters.org](http://watermatters.org)) no later than September 30, 2005. Written comments are also welcome and can be submitted to Dr. Martin Kelly, Manager of the Ecologic Evaluation Section, via mail or e-mail ([marty.kelly@swfwmd.state.fl.us](mailto:marty.kelly@swfwmd.state.fl.us)) no later than October 15, 2005 - Acknowledge receipt.

3. Notice of Application for Amendment to Water and Wastewater Certificates. Notice is hereby given on the 21<sup>st</sup> day of September 2005, pursuant to Section 367.045, Florida Statutes, and Section 25-30.030, Florida Administrative Code, of the Application of Shangri-La By The Lake Utilities, Inc., 100 Shangri-La-Boulevard, Leesburg, Florida 34788, of its intent to apply to the Florida Public Service Commission to extend its service area to provide water and wastewater service.

Any objections to the Application must be made in writing and filed with the Director, Division of Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, with a copy to Martin S. Friedman, Esquire, Rose, Sundstrom & Bentley, LLP, 600 South North Lake Boulevard, Suite 160, Altamonte Springs, Florida 32701, within 30 days from the date of this Notice. The objection must state the grounds for the objection with particularity – Acknowledge receipt.

4. Southwest Florida Water Management District – Approved Minutes of the July 26, 2005 Governing Board Meeting; Agenda for September 27-28, 2005, Governing Board Meeting to begin no earlier than 12:30 p.m. on September 27, and at 9:00 a.m. on September 28, at 2379 Broad Street, Brooksville, Florida – Acknowledge receipt.
5. Florida Public Service Commission – Notice of Commission Hearing and Prehearing Conference (issued September 28, 2005). Docket Number 050001-EI – Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor; Docket Number 050002-EG – Energy Conservation Cost Recovery Clause; Docket Number 050003-GU – Purchased Gas Adjustment (PGA) True-Up; Docket Number 050004-GU – Natural Gas Conservation Cost Recovery; Docket Number 050007-EI – Environmental Cost Recovery Clause. A Prehearing Conference will be held at 9:30 a.m., Monday, October 24, 2005, and a Public Hearing will be held at 9:30 a.m., November 7, 8, and 9, 2005. All

hearings will be held in Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida – Acknowledge receipt.

6. Florida Public Service Commission – Notice of Commission Hearing and Prehearing Conference (issued September 26, 2005). Docket Number 041269-TP, Petition to establish generic docket to consider amendments to interconnection agreements resulting from changes in law by Bellsouth Telecommunications, Inc. A Prehearing Conference will be held on Wednesday, October 19, 2005, 1:30 p.m., and a Public Hearing will be held on Wednesday, November 2, 2005, 9:30 a.m. Both hearings are in Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida – Acknowledge receipt.
7. St. Johns River Water Management District – notice of application as follows: Bainbridge Construction LLC, Dennis Rossi, 12791 West Forest Hill Boulevard, Suite 5B, Wellington, Florida 33414, application number 98200. The applicant proposes to withdraw 0.039 million gallons per day of ground water for urban landscape irrigation on 11.5 acres. The withdrawals used by this proposed project will consist of ground water from an Upper Floridan Aquifer and one proposed well in Lake County, located in Section 20, Township 22 South, Range 26 East, known as Fountains at Clermont. Substantial objections must be filed with the District within 14 days of notification of the permit application - Acknowledge receipt.

RECOMMENDATION: Approval

#### IV. **COUNTY MANAGER'S CONSENT AGENDA** (Tabs 3 through 25)

##### A. **Budget**

###### Tab 3

1. Budget transfer – General Fund, Department of Community Services, Jail Medical Division. Transfer \$425,000.00 from Economic Stabilization Reserve to Inmate Medical. Additional funds are needed to cover inmate medical costs for Fiscal Year 2004-2005. Funds available in Economic Stabilization Reserve. Balance remaining in Economic Stabilization Reserve after this transfer will be \$11,353,015.00.

RECOMMENDATION: Approval

2. Budget transfer – Renewal Sales Tax Capital Projects Fund, Non Departmental. Transfer \$11,308.00 from Special Reserve to Machinery & Equipment. The Sheriff has requested additional funds for vehicles and accessories. Approved allocation for Sheriff vehicles is \$577,000.00. This transfer would increase that amount to \$588,308.00. Funds available in Special Reserve.

RECOMMENDATION: Approval

3. Resolution to amend the County Transportation Trust Fund in order to receive unanticipated revenue for Fiscal Year 2005-2006 in the amount of \$155,000.00 deposited into Reimbursements and provide appropriations for the disbursement to Aids to Other Agencies. Unanticipated revenue was received from Grande Oak Estates for an ingress and egress railroad permit from Florida Central Railroad for the allowance of vehicular traffic from Old 441 to their subdivision located west of Fairview Avenue.

RECOMMENDATION: Approval

4. **Fiscal Year 2004-2005** – Approval of Check Request (Direct Pay) for payment for computers for the State Attorney's Office. The request exceeds the County Manager's approval list of \$25,000.00. Total payment is for \$59,167.16.

RECOMMENDATION: Approval

5. **Fiscal Year 2005-2006** – Approval of Check Request (Direct Pay) for payment of Florida Association of Counties (FAC) dues for November 1, 2005 to October 31, 2006. The request exceeds the County Manager's approval limit of \$25,000.00. Total payment is for \$25,667.00.

RECOMMENDATION: Approval

**B. Community Services**

Tab 4 Approval and signature authorization on the Fiscal Year 2005-2006 Community Development Block Grant (CDBG) Partnership Agreement between the Town of Lady Lake and the County in an amount not to exceed \$100,000.00, granting the Town CDBG funds to construct sidewalks, and to direct the Community Services Department to execute the Agreement and oversee completion of the project covered in the Scope of Services.

RECOMMENDATION: Approval

Tab 5 Approval to advertise change in the Ordinance for the Choose Life License Plate Program to provide greater flexibility in the approval for payment process.

RECOMMENDATION: Approval

Tab 6 Approval of the Human Services Grant Review Committee's recommendation to provide \$10,000.00 in grant funding to Community Health Services, Sunrise ARC, Christian Social Services, and Lighthouse Central Florida; \$3,809.00 in funding to Deaf and Hearing Services; \$7,106.00 to Faithful and True Ministries; and \$9,085.00 to Community Health Centers; and authorize the Chair to sign subsequent agreements and other related documents contingent on County Attorney approval.

RECOMMENDATION: Approval

Tab 7 Approval to continue the direct pay procedure during Fiscal Year 2005-2006 for the monthly Medicaid Nursing Home and Hospital bills as well as for direct pay for the monthly Health Care Responsibility Act (HCRA) bills received by the Department of Community Services effective with the Fiscal Year beginning October 1, 2005.

RECOMMENDATION: Approval

**C. Procurement Services**

Tab 8 Approval to authorize the County manager to sign change orders for large capital projects of up to \$50,000.00 or one percent (1%) of the original contract price (whichever is greater) as long as the total project cost does not exceed the originally approved project budget.

RECOMMENDATION: Approval

Tab 9 Approval to declare the items on the attached lists surplus to County's needs; authorize the removal of all of the items on the attached lists from the County's official fixed asset inventory system records; and authorize the Interim Procurement Services Director to sign the vehicle titles.

RECOMMENDATION: Approval

**D. Public Safety**

Tab 10 Approval and execution of Modification Number 1 to the State Homeland Security Grant (SHSG) to extend the contract date from September 30, 2005 to October 31, 2005.

RECOMMENDATION: Approval

**E. Public Works**

Tab 11 Approval and authorization for the Chairman to execute Satisfaction of Liens for 16 road assessments.

RECOMMENDATION: Approval

Tab 12 Approval to advertise for bids for the Number 9788M Bonnet Road Drainage Improvement Project Number 2006-02 at an estimated cost of \$146,681.43 and to encumber funds from the Stormwater Management Fund. Commission District 5.

RECOMMENDATION: Approval

- Tab 13 Approval to advertise for bids for the Eustis Park Subdivision Drainage Improvement Project Number 2006-03 at an estimated cost of \$186,147.78 and to encumber funds from the Stormwater Management Fund. Commission District 5.
- RECOMMENDATION: Approval
- Tab 14 Approval to award Countywide Resurfacing & Re-Striping and CR-19A (Dora Avenue) Sidewalk Project Number 2005-10 to Middlesex Corporation at a cost of \$1,165,481.50, and to encumber funds from the Renewal Sales Capital Projects Funds.
- RECOMMENDATION: Approval
- Tab 15 Approval and signature on the Revised Certified Budget for Arthropod Control for Fiscal Year 2005-2006.
- RECOMMENDATION: Approval
- Tab 16 Approval to accept the following listed public right of way deeds that have been secured in conjunction with roadway and/or stormwater projects: five Statutory Warranty Deeds and three Non-Exclusive Easement Deeds.
- RECOMMENDATION: Approval
- Tab 17 Approval and execution of an Interlocal Agreement with the City of Tavares for the transfer of jurisdiction for a roadway known as Ann Rou Road.
- RECOMMENDATION: Approval
- Tab 18 Approval to accept and execute the following Subordinations of Utility Interests Agreements between Lake County and listed utilities for projects listed: Sumter Electric Cooperative/South Lake Charter Elementary Site Plan/Hartwood Marsh Road (Number 0854) and Lake Utility Services, Inc./South Clermont Connector – Bosserman.
- RECOMMENDATION: Approval



Tab 19 Approval and authorization to accept the final plat for Las Colinas Phase II – Partial Replat and all areas dedicated to the public as shown on the Las Colinas Phase II – Partial Replat plat. Las Colinas Phase II – Partial Replat consists of 13 lots being reduced to two lots – Commission District 3.

RECOMMENDATION: Approval

Tab 20 Approval and authorization to release a Maintenance Bond in the amount of \$14,928.00 as well as refund \$500.00 posted for Windscape Phase II. Windscape Phase II consists of 25 lots – Commission District 2.

RECOMMENDATION: Approval

Tab 21 Approval and signature on Resolution to advertise Public Hearing for Vacation Petition Number 1063 by Terry and Ruth Furlow, Representative Mary Ludwig, to vacate a portion of Portland Avenue and Southgate Avenue, Section 12, Township 19 South, Range 25 East, in the Haines (Haynes) Creek area – Commission District 1.

RECOMMENDATION: Approval

Tab 22 Approval and signature on Resolution to advertise Public Hearing for Vacation Petition Number 1064 by Paul R. Wills, Representative Flo Lange, to vacate an unnamed street, in the Plat of Mt. Plymouth Subdivision, located in Section 32, Township 19 East, Range 28 South, in the Sorrento/Mt. Plymouth area – Commission District 4.

RECOMMENDATION: Approval

Tab 23 Approval and signature on Resolution to advertise Public Hearing for Vacation Petition Number 1065 by Yves G. and Magalie J. Nelson, Representative William C. Rowe, to vacate a right of way, in the Map of Clermont Farms, located in Section 12, Township 23 South, Range 26 East, in the Clermont area – Commission District 2.

RECOMMENDATION: Approval

Tab 24 Approval and signature on Resolution to advertise Public Hearing for Vacation Petition Number 1058 by Dorothy Lucas, Representative Martin J. Kahler, to vacate an unnamed road right of way, according to the Plat of Hinson's Plan, located in Section 31, Township 17 East, Range 27 South, in the Altoona area – Commission District 5.

RECOMMENDATION: Approval

Tab 25 Approval and execution of Railroad Reimbursement Agreements Grade Crossing Traffic Control Devices between Lake County BCC, Florida Department of Transportation, and Florida Central Railroad and approval of related Resolutions (one for CR-448 and one for Lucerne Drive).

RECOMMENDATION: Approval

**V. COUNTY MANAGER'S DEPARTMENTAL BUSINESS**

**VI. PRESENTATIONS/PUBLIC HEARINGS**

**A. PRESENTATION – 9:00 A.M. or as Soon Thereafter**

**1. PRESENTATION**

Tab 26 **PRESENTATION:** Ceremonial Checks to Recipients of the Youth Recreation Assistance Program Grant Monies

**B. PUBLIC HEARINGS – 9:00 A.M. or as Soon Thereafter**

**1. PUBLIC HEARINGS**

Tab 27 **PUBLIC HEARING:** Ordinance Amending Chapter 9, Lake County Code regarding Court Costs

Tab 28 **PUBLIC HEARING:** Ordinance Amending Section 11.01.04 of the LDR's to Remove Bus Shelter Signs and Bench Signs from Exempt Signs (First Hearing)

Tab 29 **PUBLIC HEARING:** Ordinance Amending Section 3.01.03 of the LDR's Entitled Schedule of Permitted and Conditional Uses (First Hearing)

Tab 30            **PUBLIC HEARING:** Approval to Accept a Maintenance Map for a Portion of Boy Scout Road (Number 8187).

**C.     PRESENTATION - 10:00 A.M. or as Soon Thereafter**

**1.     PRESENTATION**

Tab 31            **PRESENTATION:** Minneola Ridge Area-Wide Traffic Study by Tindale Oliver and Associates, Inc.

**VII.   OTHER BUSINESS** (Tab 32 through 34)

Tab 32            Appointment of individuals to the Solid Waste Advisory Committee.

Tab 33            Appointment of Pam Steinke as the Lake County Health Department's Administrative Director member on the Comprehensive Health Care Committee.

Tab 34            Appointment of individuals to vacant positions the Cultural Affairs Council *(rescheduled from October 4, 2005 BCC Meeting)*.

**VIII. REPORTS**

**A.     County Attorney** (Tab 35 through 39)

Tab 35            Approval to advertise Ordinance amending Section 14.18.03, Lake County Code, Appendix E, Land Development Regulations, entitled Public Hearings.

Tab 36            Approval of Affidavit requesting cancellation of Tax Certificates.

Tab 37            Approval of the Memorandum of Agreement between Lake County and St. Johns River Water Management District regarding the Ferndale Property on Lake Apopka and adoption of the Budget Resolution to accept unanticipated revenue for FY 2005; including authorizing the Chairman to sign the closing statement for acceptance of the St. Johns River Water Management District funding contribution.

Tab 38            Approval of amendment to Parking Agreement between Lake County and First Baptist Church of Tavares increasing the annual payment from \$500.00 to \$750.00.

Tab 39            Approval of Interlocal Agreements with the City of Fruitland Park, the Town of Astatula, and the Town of Howey-in-the-Hills pertaining to animal control services for the municipalities.

**B.     County Manager**

**C.     Commissioner Hill – Chairman and District #1**

**D.     Commissioner Pool – District #2**

**E.     Commissioner Stivender – District #3** (Tab 40)

Tab 40            Approval and execution of Proclamation honoring Helen Pearce.

**F.     Commissioner Hanson – District #4** (Tab 41)

Tab 41            Appointment of a Lake County Commission representative to the St. Johns River Alliance Board of Directors for calendar year 2006.

**G.     Commissioner Cadwell – District #5**

#### **CITIZEN QUESTION AND COMMENT PERIOD**

At this point in the meeting, the Board of County Commissioners will hear questions, comments, and concerns from the citizens of Lake County. Action will not be taken by the Board at this meeting but questions may be answered by staff or issues may be referred for appropriate staff action. If further action is necessary, the item may be placed on the agenda for further review and consideration. NOTE: Zoning or code enforcement matters which may be coming before the Board at a later date should not be discussed until such time as they come before the Board in a public hearing.

The County Commission reserves the right to move any Agenda item to an earlier time during the day as its schedule permits, except in the case of items and appointments that have been advertised in a newspaper for a specific time.

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Pursuant to the provisions of Chapter 286, Florida Statutes, Section 286.0105, if a person decides to appeal any decision made by the County Commission with respect to any matter considered at this Commission meeting, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record may include the testimony and evidence upon which the appeal is to be based.

**Persons with disabilities needing assistance to participate in any of these proceeding should contact the Department of Facilities Development and Management at (352) 343-9760, 48 hours in advance of the scheduled meeting.**

**TENTATIVE AGENDA**

**OCTOBER 20, 2005**

**7:30 A.M. State of the County at Lake Reception, Mt. Dora, Florida**

**TENTATIVE AGENDA**

**OCTOBER 25, 2005**

**9:00 A.M. Regular Meeting (Zoning and Road Vacations)**

**TENTATIVE AGENDA**

**NOVEMBER 1, 2005**

**9:00 A.M. Regular Meeting**

**9:00 A.M. PRESENTATION: Florida 4-H Week Proclamation  
or as Soon  
Thereafter**

**9:00 A.M. PUBLIC HEARING: Ordinance concerning Development Agreements  
or as Soon  
Thereafter**

**TENTATIVE AGENDA**

**NOVEMBER 8, 2005**

**9:00 A.M. Board Retreat at Leesburg Center of the Arts, Leesburg, Florida**

**9:00 A.M. PRESENTATION: Dirt Road Issue by the Public Works Department  
or as Soon  
Thereafter**

**9:00 A.M. PRESENTATION: Capital Improvement Projects by the Facilities Development and  
or as Soon Management Department  
Thereafter**

**TENTATIVE AGENDA**

**NOVEMBER 15, 2005**

**9:00 A.M. Regular Meeting**

**5:05 P.M. PUBLIC HEARING: Ordinance Amending Section 11.01.04 of the LDR's to Remove Bus  
or as Soon Shelter Signs and Bench Signs from Exempt Signs (Final Hearing)  
Thereafter**

**5:05 P.M. PUBLIC HEARING: Ordinance Amending Section 3.01.03 of the LDR's Entitled Schedule of  
or as Soon Permitted and Conditional Uses (Final Hearing)  
Thereafter**

**TENTATIVE AGENDA**

**NOVEMBER 22, 2005**

**9:00 A.M. Regular Meeting (Zoning and Road Vacations)**